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 10 Attorneys for Defendants
 11
 12 THE REGENTS OF THE UNIVERSITY OF
 13 CALIFORNIA, ROBERT BIRGENEAU,
 14 CONSTANCE PEPPERS CELAYA, ADAN
 15 TEJADA, VICTORIA HARRISON, ALLAN
 16 KOLLING, TOM KLATT and SUSAN VON
 17 SEEBURG
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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
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14 CHRISTINE CHANG, individually and as
 15 Guardian ad Litem for ERIC SUN,
 16 disabled,

17 Plaintiff,

18 v.

19 ROCKRIDGE MANOR
 20 CONDOMINIUM, et al.,

21 Defendants.

Case No. C-07-4005 EMC

**NOTICE OF MOTION OF DEFENDANTS
 THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA, ROBERT BIRGENEAU,
 CONSTANCE PEPPERS CELAYA, ADAN
 TEJADA, VICTORIA HARRISON,
 ALLAN KOLLING, TOM KLATT AND
 SUSAN VON SEEBURG IN SUPPORT OF
 MOTION TO DISMISS PURSUANT TO
 FRCP 12(b)(6) OR, IN THE
 ALTERNATIVE, MOTION FOR MORE
 DEFINITE STATEMENT [F.R.C.P. 12(e)]**

22 Date: November 28, 2007
 23 Time: 10:30 a.m.
 24 Courtroom: C
 25 Judge: Magistrate Judge Edward M. Chen

26 TO PLAINTIFFS IN PROPRIA PERSONA:

27 PLEASE TAKE NOTICE that defendants THE REGENTS OF THE UNIVERSITY OF
 28 CALIFORNIA, ROBERT BIRGENEAU, CONSTANCE PEPPERS CELAYA, ADAN
 TEJADA, VICTORIA HARRISON, ALLAN KOLLING, TOM KLATT and SUSAN VON

1 SEEBURG hereby move and will move the Court on the date, time and place set forth above to
 2 dismiss the complaint filed in this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on
 3 the following grounds:

- 4 • The claims asserted against the University defendants are barred by the immunity
 afforded to state public entities and their officials by the Eleventh Amendment to
 the U.S. Constitution;
- 5 • The claims asserted against the University defendants are barred by the implied
 immunity afforded to public employees not otherwise immune by virtue of the
 Eleventh Amendment to the U.S. Constitution;
- 6 • Plaintiff's federal civil rights claim fails as no cognizable interest under §1983 has
 been identified and the vague, conclusory allegations of university participation in
 civil rights violations are insufficient to state a cause of action;
- 7 • The tort claims are barred by immunities available to the University defendants;
- 8 • The tort claims asserted are barred by the litigation privilege [California Civil
 Code §47(b)];
- 9 • All causes of action asserted against the University defendants concerning the
 “pre-judgment conduct” are barred by the applicable statute of limitations;
- 10 • All causes of action asserted against the University defendants are without merit as
 plaintiffs' Complaint is devoid of facts sufficient to state a cause of action for any
 conceivable theory in any event.
- 11 • All causes of action are barred by the doctrine of res judicata;
- 12 • Christine Chang has no standing to represent plaintiff Eric Sun in *propria persona*.

13 In the alternative, moving defendants also move for an order requiring a more definite
 14 statement as defendants cannot be reasonably required to frame a responsive pleading to any of
 15 the causes of action alleged in the complaint pursuant to F.R.C.P. 12(e).

16 This Motion is based on this Notice and Motion, the Memorandum of Points and
 17 Authorities filed herewith, the Request for Judicial Notice, the pleadings and papers filed herein,

1 and on such other matters as may be brought to the attention of the Court and the parties at or
2 before the hearing on this Motion.

3 Dated: October 17, 2007

LOMBARDI, LOPER & CONANT, LLP

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By: /s/ GayLynn Kirn Conant
GAYLYNN KIRN CONANT
Attorneys for Defendants

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